

## Changes Suggested to Policy Document

From comment period plus feedback gathered in 2002 association visits

### ADMINISTRATION

1. Make sure the process includes a provision for dealing with confidential business information.

### ELIGIBILITY

1. Modify the compliance requirements to allow all facilities to participate based on not being a significant non-complier. Using other definitions for other programs does not provide a level playing field for all of the companies that would choose to participate. *Suggest that this be left as is.*

### INCENTIVES

1. Clearly identify and establish incentives. Develop more significant incentives to offset the cost to the company to comply with the applications, reports, and review panel processes. *This comment - or some variation of it was made by at least one-third of the respondents*

2. Allow reduced oversight/inspections. - *On the list*

3. Expedite and/or streamline the permit process for participants.

4. Grant preferred supplier status to participants for state and municipal purchases. *Checking possibility with state purchasing - Doug Richins indicates it would require a statutory change.*

5. Allow participants to start construction without all the permits in place. *Would require a statutory change*

6. Encourage self-audit and employ a "white hat" approach. Offer protection for disclosed information. There needs to be a binding instrument.

8. Relax enforcement and fine policies. Define a minor violation as administrative or operational issues that cause no physical harm to the environment, or pose no immediate health risk. *May be possible*

9. Credit money spent on pollution reduction projects towards a percentage of offset of State personnel review fees. *Can't do*

10. Specifically define incentives by tier levels. Clearly state at which tier level the CleanUtah! sign may be proudly displayed by participants. *Policy states that the incentive package - including use of the sign - kicks in at Tiers Two and Three. Need to*

*ensure that this is clearly stated in marketing package and in any correspondence with the participants that deals with incentives.*

## EMS

1. For multiple state companies, allow flexibility in the EMS requirements where a company wide EMS already exists. *Currently, the draft policy is quite flexible in what an EMS can look like. As long as the components are there, a number of models will meet the requirement.*
2. Consider the need for DEQ to review an EMS in great detail. There may be information included that a company doesn't want DEQ to know but not including it would not make the EMS as helpful as it might be. *What does DEQ want to see to feel comfortable in signing off for an incentive?*
3. Answer this question: Can the periodic inspections listed (to verify EMS and/or project progress) lead to enforcement action? Or would they be considered under the self-disclosure rule and leave the institution open to 100% penalty waiver? *Needs to be answered with EPA*

## PROJECTS

1. Consider the cost and impact on the environment in weighing projects. *Definition of "significant" - Is this something we want to do*
2. Consider project requirements for those who have already been proactive. Further significant reductions may be possible but would probably run into the tens of millions of dollars in cost. We could probably come up with projects that are "beneficial", but in comparison with total emissions, they may not be deemed "significant"
3. Clarify requirements for remaining in the program. It isn't clear if those in the program must always have two active projects, one from each of the project areas.
4. Under Tier Three, consider using a term other than "capstone." A Cap-Stone project is, by definition, the last project in a given endeavor. This would defeat the purpose of an Environmental Management System (EMS) dedicated to continual evaluation and improvement. *We can make that change.*